

## 1.0 PURPOSE, NEED, AND SCOPE

This environmental impact statement (EIS) examines the potential impacts to the natural and human environment resulting from the disposal and reuse of the Jefferson Proving Ground (JPG) near Madison, Indiana. This document has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality (CEQ) regulations implementing NEPA.

### 1.1 PURPOSE AND NEED

In response to changing global security requirements and the mandates of federal law, the Department of the Army is reducing its force structure, resulting in the need for fewer installations to station the smaller force. The Army is implementing this national force structure initiative by consolidating activities to optimize readiness and cost effectiveness and by disposing of excess property.

In May 1988, the Secretary of Defense established the Commission on Base Realignment and Closure (Commission) to examine the issue of military installation realignments and closures. On October 24, 1988, Congress and the President endorsed the Commission and its charter by passing the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526). The Commission's report to the Secretary of Defense on December 29, 1988, recommended the closure of the JPG. The Secretary of Defense approved the Commission's recommendations on January 5, 1989, and announced that the Department of Defense would implement them. The JPG is required to close not later than September 30, 1995, at which time the excess property and buildings will become available for reuse pending the completion of remedial actions.

The Army seeks to achieve several purposes, or goals, related to the installation disposal process. These include compliance with all applicable statutory and regulatory requirements related to sale or transfer of federal property, compliance with all environmental requirements (e.g., remediation), and full support of the President's Five Point Plan for Revitalizing Base Closure Communities, announced on July 2, 1993. The Army also seeks to attain an end result which supports the best interests of the Army and the community in light of cost, schedule, feasibility, and potential mitigation. The foregoing factors will determine the decision reached in the Record of Decision. Section 1.5 provides further discussion of these decisional factors.

### 1.2 SCOPE

The 1988 Base Closure and Realignment Act specifies that the NEPA does not apply to actions of the President, the Commission, or the Department of Defense, except during the process of property disposal and during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

The 1988 Base Closure and Realignment Act specifies that in applying the provisions of NEPA to the closure process, the Secretary of Defense and the secretaries of the military departments concerned shall not have to consider the need for closing or realigning the military installation which has been recommended for closure or realignment by the Commission, the need for transferring functions to any military installation which has been selected as the receiving installation, or military installations alternative to those recommended or selected.

NEPA does not apply to the Base Realignment and Closure Commission's deliberations and decision process nor to the realignment or closing action itself, but it does apply to disposal

as an Army action and reuse of the property as an indirect effect of disposal. In this EIS, three disposal alternatives (encumbered, unencumbered, and caretaker) are evaluated. They are explained in detail in Chapter 3. Reuse alternatives in terms of high, medium, and low intensity use are also described in Chapter 3. As specific proposals are developed for reuse, the Army may conduct additional analyses in accordance with NEPA. It is anticipated that such further impacts analyses would rely heavily on matters brought to light in this document. A list of acronyms and abbreviations is provided on a foldout sheet provided as the last page of this document.

### 1.3 IMPACT ANALYSIS

This EIS identifies, documents, and evaluates the effects of disposal and reuse of the JPG under a variety of scenarios. This EIS analyzes direct impacts (those caused by the proposed action and occurring at the same time and place) and indirect impacts (those caused by the proposed action but occurring later in time or farther removed in distance but still reasonably foreseeable).

The baseline year for the EIS analysis is 1989, the year of the decision to close the JPG. The affected environment described in Chapter 4, "Affected Environment," is the environment of the baseline year. Potential effects on the environment of disposal alternatives and reuse scenarios are compared to the 1989 environment. In light of certain events, such as progress made in environmental restoration of the facility, limited portions of this EIS refer to more recent circumstances.

An interdisciplinary team of environmentalists, biologists, planners, economists, engineers, archaeologists, historians, scientists, and military technicians analyzed the proposed action against the existing conditions and identified the relevant beneficial and adverse effects associated with the action. The effects are described in Chapter 5, "Environmental and Socioeconomic Consequences."

### 1.4 PUBLIC INVOLVEMENT

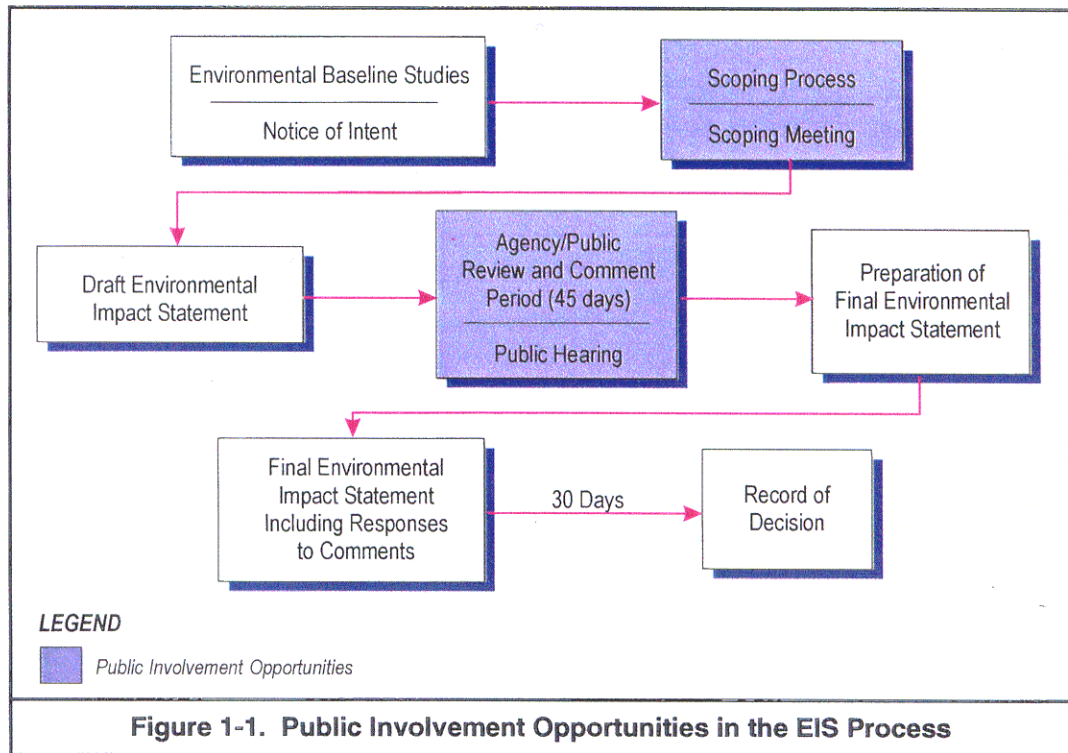
#### 1.4.1 Public Involvement Process

The EIS process is designed to involve the public in federal decision making. During the preparation of this EIS, comments from concerned individuals, agencies, and organizations are welcome at any time. Formal opportunities to comment and participate are outlined in Figure 1-1.

Measures to involve the public in this EIS have included providing names of points of contact in the Notice of Intent (see Appendix A), publishing notices in local newspapers of a scoping meeting, and conducting an open scoping meeting in Madison, Indiana. A hearing was held to receive comments on this document. Oral comments at that hearing concerning the Army's proposed action were transcribed for the record. Members of the public could elect to submit written comments within 45 days of availability to the public of the Draft EIS. Both oral and written comments will be evaluated and reflected, as appropriate, in the Final EIS.

#### 1.4.2 Notice of Intent

The public was notified of the Army's intent to prepare this EIS by publication of a Notice of Intent (Appendix A) in the *Federal Register* on December 30, 1992.



### 1.4.3 Scoping Meeting

The first step in the preparation of an EIS is to scope, or identify, the issues to be addressed in the analysis and documentation. Often, at the beginning of the analysis, little is known about the potential impacts of a proposed action, so public and agency participation are solicited as early as possible to assist in identifying the critical issues to be analyzed in the document.

Two public scoping meetings were held in the afternoon and evening on February 11, 1993, at the Salvation Army Hall in Madison, Indiana, to gather initial public input on issues and concerns pertaining to the disposal and reuse of the JPG. Announcements of the public scoping meeting were published in the *Madison Courier* on January 28, 1993. At the meeting, attendees expressed interest and concern over the reuse of the site. Several interested persons and groups presented their ideas for the reuse of the JPG. These ideas included:

- Reuse of portions of the JPG property by the Indiana Air and Army National Guard for maneuvers, which would involve surface and air weapons firing, tank maneuvers, and helicopter fly-ins,
- Reuse by a private industry/organization supporting a proposed research and development center for remediation of unexploded ordnance,
- Reuse of the airport facility on the JPG property to promote economic development in the immediate area,

Reuse of a portion of JPG for a veterans cemetery,  
Recommendations for the development of an on-site recycling center, a trash incinerator,  
or a special trash compactor to recycle trash in the form of building blocks, and  
Reuse as a Conservation and Wildlife Refuge.

Other issues included the concern over the use of the JPG as a waste disposal site for other states; cleanup concerns and remedies for the JPG's environmental condition, including cleanup of the cantonment area south of the firing line; and interim uses and availability of portions of the JPG property.

#### **1.4.4 Draft Environmental Impact Statement**

The public was invited to review and comment on the Draft EIS. A Notice of Availability was published in the *Federal Register*, public notices were mailed to those on the mailing list, and press releases were furnished to the local news media. A public comment period of more than 45 days followed the Notice of Availability. This period provided an opportunity for the public to review the issues addressed in the impact analysis, as well as offer appropriate comments on any aspect of the process.

#### **1.4.5 Public Meeting**

On April 25, **1995**, during the public comment and review period for the Draft EIS, a public hearing was held to receive oral and written comments on the document. Approximately 75 people attended the evening meeting, held at the Salvation Army Hall in Madison, Indiana. A verbatim transcript as well as responses to comments made at that meeting are provided in **Appendices H and I**.

#### **1.4.6 Final Environmental Impact Statement**

A Final EIS has been prepared to incorporate and respond to comments received on the Draft EIS. Copies of the Final EIS will be furnished to all who commented on the Draft EIS and to others requesting it. A Notice of Availability of the Final EIS will be published in the *Federal Register*, as well as in public notices and press releases. There will be a 30-day waiting period after the Final EIS is published, after which the Army will prepare a Record of Decision (ROD). The ROD will state how the disposal of the JPG property will take place considering the impacts addressed in the EIS, any mitigation measures, and an overview of the impacts associated with various reuse scenarios.

#### **1.4.7 Contaminated Site Remediation Public Review Process**

Remediation or cleanup of contaminated sites under the Army's Installation Restoration Program (IRP) includes public involvement. This program is separate from, but often confused with, the EIS process because the actions usually occur simultaneously during installation disposal. Studies and reports for remediation actions are made available at the public information repositories located in the surrounding communities. Remedial actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) include formal opportunities for public participation in reviewing documents and public meetings. This EIS addresses the sites under remediation by describing the nature and extent of the contamination in an overall environmental context and referring to their remedial status (Chapter 4). The public will be kept informed about additional studies as they become available and will be invited to participate in public meetings for those actions.

## **1.5 FRAMEWORK FOR DISPOSAL**

Numerous factors contribute to Army decisions relating to disposal of installations. The Defense Authorization Amendments and Base Closure and Realignment Act of 1988 triggers reference to several other statutes and directives. Besides adherence to the Base Closure and Realignment Act's requirements, the Army must abide by rules pertaining to transfer of federal property, as well as Executive Branch policies. There are also practical concerns such as identifying base assets to allow for disposal in a manner most consistent with statutory and regulatory guidance. These matters are discussed further below.

### **1.5.1 Base Closure and Realignment Act Procedural Requirements**

#### **Statutory Provisions**

The disposal process is governed by the Base Closure and Realignment Act of 1988 (Public Law 100-526) and the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.). The latter is implemented by the Federal Property Management Regulations at Title 41 *Code of Federal Regulations*, Part 101-47. Under the Base Closure and Realignment Act of 1988, the authority of the Secretary of Defense to carry out any closure or realignment under that Act shall terminate on October 1, 1995.

#### **1.5.1.2 Screening Process**

Upon being designated for closure and disposal, the JPG property is subjected to specific procedures designed to identify potential subsequent users. That is, the installation must be offered to a hierarchy of potential takers. This is called the screening process. The screening process is discussed in depth in Section 2.2.6.

#### **1.5.1.3 The President's Five Point Plan**

On July 2, 1993, President Clinton announced a major new program to speed the economic recovery of communities near closing military bases. The President pledged to give top priority to early reuse of each base's valuable assets. Principal goals of the initiative are to provide for rapid redevelopment and creation of new jobs. In announcing the program, the President outlined five parts of his community revitalization plan:

- Jobs-centered property disposal that puts local economic redevelopment first,
- Fast-track environmental cleanup that removes needless delays while protecting human health and the environment,
- Appointment of transition coordinators at major bases slated for closure
- Easy access to transition and redevelopment help for workers and communities, and
- Larger economic development planning grants to base closure communities.

The Army is fully committed to the President's Five Point Plan. A Base Transition Coordinator has been appointed for the JPG, and the Army has taken an active role in providing the local community assistance in every permissible way.

#### 1.5.1.4 The Pryor Amendment

Congress endorsed the President's plan by enacting Title XXIX of Public Law 103-160, Base Closure Communities Assistance, popularly known as the "Pryor Amendment" in recognition of its principal legislative sponsor. Title XXIX provides legal authority to carry out the President's plan by granting conveyances of real and personal property at or below fair market value to local redevelopment authorities and by authorizing the sharing of profits on subsequent leases and sales. Title XXIX also creates a new category of public benefit transfer, the economic development conveyance. Exercise of economic development conveyance authority permits the DoD to convey land and buildings to redevelopment authorities (initially at no cost) after determining that the base, or significant portions thereof, cannot be sold in accordance with the rapid job creation concept. Economic development conveyances may help induce a market for the property and, thereby, enhance economic recovery. An interim final rule implementing the Pryor Amendment was published in the *Federal Register* on April 6, 1994, and amended on October 26, 1994.

#### 1.5.2 Relevant Statutes and Executive Orders

The following statutes bear on disposal decisions related to the JPG. The discussions note their relevance to the disposal process.

*Community Environmental Response Facilitation Act.* In October 1992, Congress amended Section 120(h) of CERCLA with the Community Environmental Response Facilitation Act (CERFA), Public Law 102-426. CERFA establishes new requirements for contamination assessment, cleanup, and regulatory agency notification/concurrence for federal facility transfers. CERFA requires federal agencies to identify uncontaminated parcels, with regulatory concurrence, and it allows transfer by deed of remediated parcels at the point when successful operation of an approved remedy has been demonstrated to the U.S. Environmental Protection Agency (EPA). CERFA requires that the identification shall consider petroleum products as well as CERCLA hazardous substances. For real property which is part of a facility listed on the National Priorities List, the identification shall not be considered complete until concurred in by the EPA Administrator. For real property not on the National Priorities List, the identification shall not be considered complete until concurred in by the State. The law requires a transferring agency to provide a covenant, when transferring parcels identified as uncontaminated, that any response action or corrective action found to be necessary will be undertaken by the United States. The deed for such parcels must also provide a right of access to perform any additional response action, including appropriate investigations. Although CERFA does not mandate that the Army transfer real property identified as immediately available, it is the first step in satisfying the objective of identifying real property where no CERCLA-regulated hazardous substances or petroleum products were stored, released or disposed.

*Clean Air Act.* The Clean Air Act (CAA) controls the emission of pollutants into the atmosphere. Under the CAA, the Environmental Protection Agency (EPA) has established national ambient air standards. These standards, which express concentrations of designated pollutants, are called the National Ambient Air Quality Standards (**NAAQS**). The **NAAQS**, uniformly applied throughout the nation, are time-averaged concentrations of the specified pollutants that cannot be exceeded in the ambient air more than a specified number of times. Standards have been established for the pollutants sulfur dioxide, carbon monoxide, ozone, nitrogen oxides, lead, and particulates (matter less than 10 microns in diameter). The NAAQS are to be achieved by the States through State Implementation Plans which provide limitations, schedules, and timetables for compliance with **NAAQS by stationary** sources and transportation control plans for mobile sources.

Amendments to the Clean Air Act in 1990 introduced, at Section 176(c) of the Act, a requirement that "No department, agency, or instrumentality of the Federal Government shall engage in, support in anyway, or provide financial assistance for, license or permit, or approve any activity which does not conform to an implementation plan ... approved or promulgated. The assurance of conformity ... shall be an affirmative responsibility of the head of such department, agency, or instrumentality." Conformity to an implementation plan means conformity to an implementation plan's purpose of eliminating or reducing the severity and number of violations of **the NAAQS** and achieving expeditious attainment of such standards. It further refers to conducting activities so that they will not cause or contribute to any new violation of any standard in any area, increase the frequency or severity of any existing violation of any standard in any area, or delay timely attainment of any standard of any required interim emission reductions or other milestones in any area. Regulations regarding determining conformity of general federal actions to implementation plans were published in the *Federal Register* on March 15, 1993.

*Clean Water Act.* Since major amendments in 1977, the Federal Water Pollution Control Act has been known as the Clean Water Act (CWA). This statute, which seeks to restore and maintain the chemical, physical, and biological integrity of the Nation's waters, identifies certain pollutants and sets required treatment levels for those pollutants. The CWA addresses both point source and non-point source discharges. Point sources are distinct entities that discharge wastewater with pollutants into rivers or lakes through pipes, ditches, canals, etc. or distinct conveyances. Non-point sources are those that do not discharge wastewater from a discrete conveyance (e.g., agricultural lands, construction sites, parking lots, streets, etc.).

Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) program. NPDES permits are required for all point source discharges to waters of the United States, including discharges of stormwater associated with industrial activities.

*Comprehensive Environmental Response, Compensation, and Liability Act* This statute, better known as Superfund, addresses sites where there are releases or threats of releases hazardous substances. The Superfund Amendments and Reauthorization Act of 1986 (SARA) expanded applicability of the law to federal facilities.

Procedures for conducting cleanup are governed by the National Oil and Hazardous Substances Pollution Contingency Plan. Major steps in the cleanup process include preliminary assessment and site investigation of hazardous substances releases, remedial investigation and preparation of feasibility studies for cleanup, a record of decision (ROD) for selecting cleanup, and design of remedial measures and implementation of remedial action. The process includes creation and maintenance of an administrative record for public review and notices to the public for review and comment at major junctures.

Army compliance with the National Oil and Hazardous Substances Pollution Contingency Plan is via the IRP. The IRP is conducted at locations having past hazardous waste sites requiring remediation.

*Endangered Species Act.* Under the Endangered Species Act federal agencies are required to conserve species that have been listed as endangered or threatened. All federal agencies must consult with the Fish and Wildlife Service (FWS) to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or to result in destruction or adverse modification of its critical habitat. This mechanism,

deriving from Section 7 of the Endangered Species Act, is often referred to as the consultation process. While the consultation process is in progress, an agency is forbidden to make any irretrievable commitment of resources to its project. The consultation typically leads to the FWS's suggestion of alternatives or mitigating measures that can be incorporated into the project, thereby allowing its completion.

The Endangered Species Act prohibits the taking of endangered fish and wildlife species. Taking includes harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting to do any of these things. With respect to taking of endangered plants, it is prohibited to remove them or reduce them to one's possession. Under the Endangered Species Act, the Secretary of the Interior issues regulations to conserve threatened species.

Amendments to the Endangered Species Act in 1982 allow the Secretary of the Interior to approve "incidental" takings of listed species if, after notice and comment, he finds that the taking will be incidental, the applicant will exert maximum effort to minimize and mitigate impacts of takings, the applicant will ensure adequate funding for the plan, and that the taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.

**Executive Orders.** Five Executive Orders address topics relevant to the Army's disposal and reuse of the JPG:

**Executive Order 11990, "Protection of Wetlands,"** establishes a policy to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The term "wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and, that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Executive Order 11988, "Floodplain Management,"** declares a policy to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. The term "floodplain" is defined as the low land and relating flat areas adjoining inland and coastal waters, including at a minimum that area subject to a one percent or greater chance of flooding in a given year.

**Executive Order 12088, "Federal Compliance with Pollution Control Standards,"** October 13, 1978, provides that federal agencies are to comply with all federal, state, and local environmental requirements. In the context of the JPG disposal, these requirements will continue so long as the Army retains any indicia of ownership of the property, including that period that the installation might be held in caretaker status (see Section 3.2.3).

**Executive Order 12580, "Superfund Implementation,"** January 23, 1987, delegates to agency heads several decision making authorities under the Comprehensive Environmental Response, Compensation, and Liability Act.

**Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations,"** February 11, 1994, requires that federal agencies conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons



(including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities because of their race, color, or national origin. On February 11, 1994, the President also issued a memorandum for heads of all departments and agencies, directing that the EPA, whenever reviewing environmental effects of proposed actions pursuant to its authority under Section 309 of the CAA, ensure that the involved agency has fully analyzed environmental effects on minority communities and low income communities, including human health, social, and economic effects.

*National Historic Preservation Act.* The National Historic Preservation Act of 1966 (NHPA) protects buildings, sites, districts, structures, and objects that have significant scientific, historic, or cultural value. The Act establishes affirmative responsibilities of federal agencies to preserve historic and prehistoric resources. Effects on properties that are on, or eligible for, the National Register of Historic Places must be taken into account in planning and operations. Any property that may qualify for inclusion on the National Register of Historic Places must not be inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate.

National Register of Historic Places criteria are those qualities of significance in American history, architecture, engineering, archeology, and culture that are present in districts, sites, buildings, structures, and objects that are of state, local, regional, or national importance. These properties possess integrity of location, design, setting, materials, workmanship, feeling, and association.

Fulfillment of the purposes of the NHPA is assisted through coordination with the Advisory Council on Historic Preservation and with Indiana State Historic Preservation Officer (SHPO).

*Resource Conservation and Recovery Act.* Under the Resource Conservation and Recovery Act (RCRA), the U.S. Environmental Protection Agency defines those wastes that are hazardous and regulates their generation, treatment, storage, transportation, and disposal. The EPA also establishes technical and performance requirements for hazardous waste management units and exercises responsibility over a permit system for hazardous waste management facilities. The RCRA is also the source for regulations pertaining to solid waste management and underground storage tank management.

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